IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5039 of 2005

Between:

M/s.Eastern Granites Limited, a limited company incorporated under the Indian Companies Act, 1956 having its office at Ketanakonda, Ibrahimpatnam, Krishna District, Andhra Pradesh rep., by its Managing Director Sri N.Ramakrishna.

..... PETITIONER

AND

1 The Commissioner of Customs and Central Excise, P.B.No.331, C.R.Buildings, Kannavarithota, Guntur-522 004, Andhra Pradesh.
2 The Customs, Excise and Service Tax Appellate Tribunal, Southern Bench, Bangalore, rep., by its Bench Officer.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to grant order, direction or writ, more so in the nature of writ of certiorari, calling for the records and declaring the actions of the respondent No.2 herein in passing the order dated 30-4-2004 in the appeal filed by the petitioner in C/Appeal No.374/2003 and consequential final order bearing No.1460 of 2004 dated 3-9-2004 as illegal, arbitrary, against the principles of natural justice and

violative of Article 14 and 19 of Constitution of India and the provisions of the Customs Act and Central Excise Act, and consequently to direct the second respondent to take up the appeal of the petitioner company in appeal No.374/2003 and dispose of the same on merits without insisting on pre-deposit of any of the duties, penalties or interest, levied by the first respondent.

Counsel for the Petitioner: MR.R.RAGHUNANDAN

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following:

ORDER: (Per BRSR,J)

Learned counsel for the petitioner seeks leave of this Court to withdraw this writ petition with a leave to file another writ petition by furnishing better particulars.

Leave is accordingly granted.

The writ petition is accordingly dismissed without expressing any opinion on any of the contentions raised.

_____

B. SUDERSHAN REDDY, J.

Date: 20/04/2005

_____

C.V. RAMULU, J.

GS/GRR

To

1 The Commissioner of Customs and Central Excise,
P.B.No.331, C.R.Buildings, Kannavarithota,
Guntur-522 004, Andhra Pradesh.

2 The Bench Officer, Customs, Excise and Service Tax
Appellate Tribunal, Southern Bench, Bangalore,

3 Two C.D. Copies.